

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FRANK ALLEN, et al.,	:	CIVIL ACTION NO. 1:04-CV-2297
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
SUSQUEHANNA TOWNSHIP SCHOOL DISTRICT,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 24th day of June, 2005, upon consideration of the second motion (Doc. 22) of Dauphin County Social Services for Children and Youth to quash a subpoena served by *defendant* on June 13, 2005, on the ground that the subpoena requires disclosure of privileged or other protected matter, see FED. R. Civ. P. 45(c)(3)(A)(iii), and it appearing that the motion is intended to supersede a prior motion to quash (Doc. 19) in which counsel incorrectly asserted that the subpoena at issue was served by *plaintiffs*,¹ it is hereby ORDERED that:

1. The first motion to quash (Doc. 19) is DENIED as moot.
2. Defendant file a brief in opposition to the second motion to quash (Doc. 22) on or before July 1, 2005.

¹ This mistake was not highlighted in the second motion to quash (Doc. 22) or otherwise raised by counsel for Dauphin County Social Services for Children and Youth, resulting in the issuance of an unnecessary show cause order against plaintiffs (see Docs. 21, 26). The court advises counsel that, in the future, the appropriate course in this situation is to file a notice expressly identifying the error in the prior motion and withdrawing that document. Cf. PA. RULES PROF'L CONDUCT R. 3.3(a)(1) (requiring an attorney to "correct a false statement . . . material fact . . . previously made to the tribunal by the lawyer").

3. Dauphin County Social Services for Children and Youth shall be permitted to file a brief in reply within five calendar days of the filing of the brief in opposition to the second motion to quash (Doc. 22).
4. Dauphin County Social Services for Children and Youth shall not be required to comply with the subpoena served by defendant on June 13, 2005, pending disposition of the second motion to quash (Doc. 22).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge